

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1044 OF 2006

Shri.Sharnappa Tamma Dhotre
and others. ...Appellants.

vs.

Dhannappa Sidram Talbhandare
and others. ...Respondents.

Mr.G.S.Godbole, for Appellants.

CORAM: D.K.DESHMUKH J.

DATED: 9th July, 2007.

P.C.:-

Heard the learned Counsel appearing for appellants. The Appeal Court has rightly held that in view of the finding recorded in the proceedings under Section 145 of Cr.P.C. which

was confirmed upto this Court that the plaintiffs are in possession of the property, without present appellants instituting suit for setting aside that findings, the Trial Court could not have held that the plaintiffs were not in possession. I do not find any illegality in the finding recorded by the Appeal Court. On the contrary, the finding recorded by the Appeal Court is in consonance with the law and material on record. No substantial question of law arises. The appeal is disposed of.

(D.K.DESHMUKH, J.)
